

REMARKS

The specification has been amended to correct the figure at page 2, line 1. Support for this amendment is found at page 1, lines 3-5 of the specification. No new matter has been added.

Claims 20-37 are pending and are at issue.

Specification

The specification has been objected to for containing the wrong chemical structure of escitalopram. The specification has been amended to correct this error.

Obviousness Rejection over the '590 Patent and the '249 Application

Claims 20-37 have been rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 4,943,590 ("the '590 Patent") in view of U.S. Patent Application Publication No. 2002/0103249 ("the '249 Application").

Submitted herewith is a Declaration pursuant to 35 U.S.C. §103(c) (Exhibit A). The declaration states that at the time the invention claimed in the present application was made, the present invention and U.S. Patent Application Publication 2002/0103249 were owned by H. Lundbeck A/S, or subject to an obligation of assignment to the same. See paragraph 4, Exhibit A. Pursuant to 35 U.S.C. §103(c), the '249 Application is not a prior art reference under 35 U.S.C. §103(a). Accordingly, applicants respectfully request withdrawal of this rejection.

